

6. MRS did not direct any calls to plaintiff. *Id.*

7. Plaintiff alleges he has no relationship with MRS. *Id.* at ¶ 2.

8. Plaintiff avers “the calls were made in attempts to collect a debt allegedly owed by another person.” *Id.*

9. Plaintiff alleges MRS called him “to collect a debt allegedly owed to MRS by [his] mother, Julie Schultz.” *Id.* at ¶ 7.

10. Plaintiff states his mother is the “alleged debtor from whom [MRS] was trying to collect.” *Id.* at ¶ 11.

11. The 9181 number is registered to Christopher Mack, not plaintiff. *See* Exhibit B, Resp. to Pl. Subpoena.

12. Plaintiff is not the cell phone subscriber for the 9181 number. *Id.*

13. On June 25, 2010, Ms. Schultz settled any and all claims she had against MRS by entering into a Release and Settlement Agreement. *See* Exhibit C, J. Schultz Release and Settlement Agreement.

14. Pursuant to the settlement, Ms. Schultz released MRS from any claim she “ever had, or now has, against MRS by reason of any matter, cause or thing whatsoever occurring from the beginning of the world to the date of this Release, regarding any of the allegations made or that could have been made in the Lawsuit, including, but not limited to, the debt collection activities of MRS[.]” *Id.* at p. 2, ¶ 3.

15. Ms. Schultz also represented and warranted “that she has not transferred, assigned or otherwise sold any portion of the claims or causes of action that she is alleging in this Lawsuit, or which are related in any way to the Account or the collection attempts related to the Account, and that she is the sole holder of such claims and causes of actions.” *Id.* at pp. 2-3, ¶ 6.

16. The settlement agreement requires Ms. Schultz “to indemnify and hold MRS harmless if [she] is found to have pursued any Released Claim against any Released Party.” *Id.* at p. 2. ¶ 4.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 3rd day of March 2011 a copy of the foregoing **Statement of Uncontested Material Facts** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel, as described below. Parties may access this filing through the Court's system.

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